

1 **STATE RESPONSIBILITY AREA FIRE PREVENTION BENEFIT FEES, 2012**

2 **Title 14 – Department of Forestry and Fire Protection**

3 **Chapter 13 – State Responsibility Area Fees**

4
5 **Amended Rule Sections Under Chapter 13 as Follows:**

6 § 1665.1. Authority.

7 § 1665.2. Definitions.

8 § 1665.3. Determination of Eligible Habitable Structure.

9 § 1665.4. Imposition of the ~~Benefit~~ Fee.

10 § 1665.5. Request for Review and Refunds.

11 § 1665.6. Fee Structure.

12 § 1665.7. Fee ~~e~~Exemptions.

13 § 1665.8. Grant Program.

14
15 **§ 1665.1. Authority.**

16 This chapter sets out procedures for implementation and collection of “State
17 Responsibility Area Fire Prevention Benefit Fees” (hereafter referred to as “~~Benefit~~
18 _Fee”), as required by Assembly Bill X1 29, Chapter 8, Statutes 2011, Public Resources
19 Code Section 4210, et seq.

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21 Note: Authority cited: Public Resources Code Section 4212. Reference: Public
22 Resources Code Sections 4102, 4111, 4114, and 4125.

23
24 **§ 1665.2. Definitions.**

25 “Department” means the California Department of Forestry and Fire Protection.

1 “Designated Fee Administrator” means a person, company, or other entity
2 retained by the Department to assist with implementation of the Fee and who is
3 qualified by experience in preparing and administering one of the following for a fire
4 district: benefit assessments, benefit fees, or special taxes.

5 “Dwelling Unit”, ****

6 “Fee” means the fire prevention benefit fee imposed pursuant to Sections 4210-
7 4228 of the Public Resources Code.

8 “Fire Prevention Fund” means the State Responsibility Area Fire Prevention
9 Fund created by Public Resources Code Section 4214 for deposit of all annual Fees
10 collected and from which expenditures are authorized pursuant to the annual Budget
11 Act, including grants that may be awarded pursuant to 14 CCR Section 1665.8.

12 “Habitable Structure”, for purposes of implementation of Sections 4210-4228 of
13 the Public Resources Code, means a building ~~that contains~~ containing one or more
14 dwelling units or that can be occupied for residential use. Buildings occupied for
15 residential use include single family homes, multi-dwelling structures, mobile and
16 manufactured homes, and condominiums. Habitable structures do not include incidental
17 buildings such as detached garages, barns, outdoor sanitation facilities, and sheds.

18 “Manufactured home” ****

19 “Mobile home” ****

20 “Property Owner”, means that individual, company, corporation, or other entity
21 that is the owner of record of said habitable structure ~~in the county tax assessor rolls or~~
22 ~~as recorded in the records of the Department of Housing and Community Development~~
23 ~~on July 1 of the state fiscal year for which the f~~Fee is due.

24 “State Responsibility Area” means those areas defined in Section 4102 and
25 delineated pursuant to Sections 4125-4128 of the Public Resources Code. These lands

are shown on digital maps maintained by the California Department of Forestry and Fire Protection at its Sacramento Headquarters and may be viewed there or in low resolution at the California Department's of Forestry and Fire Protection website:

http://www.bof.fire.ca.gov/sra_viewer/.

"Benefit Fee" means the fire prevention benefit fee imposed pursuant to Sections 4210-4228 of the Public Resources Code.

"Fire Prevention Fund" means the State Responsibility Area Fire Prevention Fund created by Public Resources Code Section 4214 for deposit of all annual Benefit Fees collected and from which expenditures are authorized pursuant to the annual Budget Act, including grants that may be awarded pursuant to 14 CCR Section 1665.8.

Note: Authority cited: Public Resources Code Sections 4211, 4212, and 4214.

Reference: Public Resources Code Sections 4102, and 4211, Health and Safety Code Sections 18007(a), and 18008(a).

§ 1665.3. Determination of Eligible Habitable Structure.

Determinations of eligible habitable structures and the associated fees within State Responsibility Areas shall be completed statewide by the Department or for the Department by its "Designated Fee Administrator" pursuant to Public Resources Code Section 4210, et seq. and 14 CCR Sections 1665.1-1665.8 the regulations contained herein.

Note: Authority cited: Public Resources Code Sections 4212, 4213, and 4214.

Reference: Public Resources Code Sections 4111, 4212, 4213, and 4214.

1 **§ 1665.4. Imposition of the Benefit Fee.**

2 The Benefit Fee will be imposed on all property owners with one or more
3 habitable structures within State Responsibility Areas as defined in Public Resources
4 Code Section 4102 and pursuant to Public Resources Code Sections 4125-4128.

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6 Note: Authority cited: Public Resources Code Section 4212. Reference: Public
7 Resources Code Sections 4102, 4111, 4210, and 4211.

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9 **§ 1665.5. Request for Review and Refunds.**

10 (a) A property owner from whom the Benefit Fee is determined to be due under
11 Public Resources Code Section 4213 et seq. may petition the Department for a
12 redetermination regarding the fee and amount determined within 30 days after service
13 upon him or her of a notice of the determination.

14 (1) The Department may delegate the receipt and review of petitions to a
15 Designated Fee Administrator of its choice. ~~The Designated Fee Administrator must be~~
16 ~~qualified by experience in preparing and administering one of the following for a fire~~
17 ~~district: benefit assessments, benefit fees, or special taxes.~~

18 (2) The petition may be filled out and submitted by a property owner
19 subject to the Benefit Fee or by the Department or Designated Fee Administrator in
20 consultation with and on behalf of the property owner.

21 (3) ~~The petition shall include information that states the specific basis or~~
22 ~~grounds upon which the petition is founded and includes supporting documentation. The~~
23 petition must be based on whether the fee as specified in Public Resources Code
24 Section 4213 et seq. applies to the specific property for which the petition was filed.
25 Examples of specific issues that may be considered by the Department or Designated

Fee Administrator include, but are not limited to, the location of the structure in an SRA, determination of the number of applicable habitable structures, and the related fee amount calculated.

(4) The petition may, but is not required to be on a form prescribed by the Department. At a minimum, the petition must include the following information:

A. The bill identification or decal number, the parcel number, the County, and other information on the original Fee bill received by the petitioner that allows identification of the bill that is the subject of the petition.

B. The name of the property owner(s), their mailing address, and a daytime telephone number at which they may be reached.

C. The specific reasons upon which the petition is made including, but not limited to, dispute of: the record of ownership or location within an SRA boundary, the number of habitable structures included in the calculation of the Fee, and exclusion of the Fee Exemption deduction specified by 14 CCR Section 1665.7 from the Fee bill.

D. Documentation that provides support for each reason cited in the petition pursuant to item C. above.

E. The signature of the property owner.

(45) Petitions received by the Department or Designated Fee Administrator more than 30 days from service upon him or her of a notice of the determination shall not be considered. If a petition will not be considered, the Department or Designated Fee Administrator shall notify the petitioner.

(56) After receipt of a petition, the Department or the Designated Fee Administrator may request additional information from the property owner if, in their

1 opinion, the information contained in the petition ~~does not give adequate information to~~
2 ~~permit full review of the fee and the petition~~ is incomplete.

3 **(67)** The petition may be amended to state additional grounds or provide
4 additional documentation at any time prior to the date that the Department or the
5 Designated Fee Administrator issues its decision ~~with regard to~~ on the petition ~~for~~
6 ~~redetermination~~.

7 **(78)** The petition shall be sent by the petitioner to the addresses indicated
8 by the Department for sending to the Department, the Board of Forestry and Fire
9 Protection, and the Board of Equalization; ~~this~~ the Department's address may be the
10 address of the Department's Designated Fee Administrator.

11 **(89)** The Department or its Designated Fee Administrator shall complete
12 its review of the petition for redetermination within 60 days.

13 **(910)** Based on its review of the petition for redetermination, the
14 Department or its Designated Fee Administrator may decide if the fFee is valid and due
15 in the amount of the original fFee, may modify the fFee, or may eliminate the fFee
16 based on a determination that it should not apply to the property owner who filed the
17 petition.

18 **(1011)** The decision of the Department or its Designated Fee
19 Administrator shall be in writing and shall indicate the reasons for the decision on the
20 petition.

21 **(1112)** If the decision modifies or eliminates the fFee, the Department or
22 its Designated Fee Administrator shall make appropriate modifications to the next and
23 subsequent lists of property owners and fFee amounts submitted to the State Board of
24 Equalization.

1 **(~~42~~13)** The decision on the petition for redetermination by the Department
2 or its Designated Fee Administrator shall be served on the petitioner as described in
3 Section 4226 of the Public Resources Code. On the same date, the Department or its
4 Designated Fee Administrator shall notify the Board of Forestry and Fire Protection and
5 the State Board of Equalization. The Department will maintain copies of decisions on all
6 petitions for redetermination ~~petitions~~ for use of the Board of Forestry and Fire
7 Protection and State Board of Equalization.

8 **(~~43~~14)** The decision of the Department or its Designated Fee
9 Administrator upon a petition for redetermination of the ~~Benefit~~ Fee shall become final
10 30 days after service upon the petitioner of notice of the determination.

11 **(~~44~~15)** If the Department or its Designated Fee Administrator determines
12 that a property owner is entitled to a refund of all or part of the ~~Benefit~~ Fee paid
13 pursuant to this chapter, the property owner, or the Department or Designated Fee
14 Administrator on behalf of the property owner, shall make a claim to the State Board of
15 Equalization pursuant to Chapter 5 (commencing with Section 55221) of Part 30 of
16 Division 2 of the Revenue and Taxation Code.

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18 Note: Authority cited: Public Resources Code Sections 4212, 4213, 4214, and 4220.

19 Reference: Public Resources Code Sections 4221, 4222, 4222.5, 4223, 4224, 4225,
20 4226, and 4227.

21
22 **§ 1665.6. Fee Structure.**

23 **(a)** The Board has been directed by the ~~L~~Legislature to impose a ~~f~~Fee that will
24 provide funding necessary for fire prevention activities.

1 **(b)** The ~~Benefit~~ Fee shall be one hundred-fifty dollars (\$150.00) per habitable
2 structure.

3 **(c)** Fees shall be deposited in the Fire Prevention Fund.

4 **(d)** On July 1, 2013 and at its June meeting prior to each subsequent July 1, the
5 Board shall adjust the Fee rate to reflect the percentage of change in the average
6 annual value of the Implicit Price Deflator for State and Local Government Purchases of
7 Goods and Services for the United States, as calculated by the United States
8 Department of Commerce for the 12-month period in the third quarter of the prior
9 calendar year, as reported by the Department of Finance.

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11 Note: Authority cited: Public Resources Code Sections 4212, 4213, and 4214.

12 Reference: Public Resources Code Sections 4210, 4211, 4212, and 4214.

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14 **§ 1665.7. Fee ~~e~~Exemptions.**

15 Property owners of habitable structures within a State Responsibility Area and
16 also within the boundaries of a local agency that provides fire protection services shall
17 receive a Fee reduction of thirty-five dollars (\$35.00) per habitable structure.

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19 Note: Authority cited: Public Resources Code Section 4212. Reference: Public
20 Resources Code Sections 4117, 4125, 4127, and 4210.

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22 **§ 1665.8. Grant Program.**

23 **(a)** The Board shall administer a granting program funded from the ~~Benefit~~ Fees
24 collected. Grants shall be awarded to organizations within counties in direct proportion
25 to the ~~benefit f~~Ees paid by individual property owners in that county.

1 **(b)** Grants awarded from the Fire Prevention Fund shall be awarded to local
2 agencies, Fire Protection Districts, Fire Safe Councils, the California Conservation
3 Corps, and other organizations accepted by the Board. Grants will only be awarded in
4 those counties that are in compliance with the Board's fire safe regulations, 14 CCR
5 Section 1270, et seq., as required pursuant to Public Resources Code Section 4290. to
6 support the following priorities:

7 ~~**(1)** Development or updating of a Community Wildfire Protection Plan~~
8 ~~(CWPP), local hazard mitigation plan, or community-based wildfire hazard or risk~~
9 ~~analysis.~~

10 ~~**(2)** Development of General Plan elements, including the Safety Element,~~
11 ~~and "Fire Safe Regulations" to be certified by the Board pursuant to Public~~
12 ~~Resources Code Section 4290.~~

13 ~~**(3)** Community fuel reduction projects in State Responsibility Areas.~~

14 ~~**(4)** Other community fire safety and fire prevention projects, including fire~~
15 ~~prevention education, designed to reduce the risk of wildfire in State~~
16 ~~Responsibility Areas.~~

17
18 Note: Authority cited: Public Resources Code Sections 4212, 4214. Reference: Public
19 Resources Code Sections 4102, 4111, 4112, 4113, 4114, 4740, and 4741.

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